

**CAMILLE M. ABATE, ESQ.
ATTORNEY AT LAW**



Of Counsel, Nicholas Goodman & Associates
333 Park Avenue South, Suite 3A, New York, NY 10010
TEL: (212) 227-9003 • FAX: (212) 937-2112

October 4, 2022

VIA EMAIL AND ECF

Hon. Marian W. Payson
United States Magistrate Judge
100 State Street
Rochester, New York 14614

**Re: Request for Virtual Conference on October 5, 2022
USA v. Phillips, 21 MJ 4062 (MWP)**

Dear Judge Payson:

Due to an error on my part, I had assumed that the oral argument scheduled for tomorrow, October 5, at 10:30 a.m. was to be a virtual conference, as we have been doing up to now. I apologize for my error, and respectfully request that our argument be done virtually, as opposed to in person.

Due to my erroneous assumption, I have not made any arrangements to travel to Rochester. I have two sentencing memoranda due in the next two days, so that the time it would take to make the travel arrangements now and prepare for travel would seriously cut into my ability to complete these memoranda, to the detriment of my clients.

For these reasons, I respectfully request that tomorrow's oral argument be done virtually. I have spoken to Assistant United States Attorney Kyle Rossi and he consents to this request. Again, I apologize to the Court for any inconvenience this may cause.

Sincerely,

s/s Camille M. Abate
Camille M. Abate, Esq.

cc: Kyle Rossi, Esq.